

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alcorn, et al.)
Serial. No. :)
Filed : Herewith)
For : Electronic Gaming Apparatus With)
Authentication)
Art Unit : 3714)
Examiner : Mark Sager)

TRANSMITTAL OF TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

Sir:

A terminal disclaimer and a certification under 37 C.F.R. 3.73(b) are submitted herewith. The large-entity fee of \$110 set forth in 37 C.F.R. §1.20(d) for the transmittal of the terminal disclaimer is enclosed herewith.

The terminal disclaimer submitted herewith is applicable to three patents, any reissue of any of those three patents, and the patent that issues from the parent of the present application. It is submitted that that is permissible. See, for example, Section 804.02 of the M.P.E.P.:¹

A terminal disclaimer filed to obviate a double patenting rejection is effective only with respect to the application identified in the disclaimer, unless by its terms it extends to continuing applications. (underlining added)

¹ Page 800-32 of the M.P.E.P., original Eighth Edition dated August 2001.

The filing of the terminal disclaimer in the present application is not an admission that any claims of the present application would have been properly rejectable or invalid for double patenting in view of the prior patents referred to in the terminal disclaimer. See, for example, Section 804.02 of the M.P.E.P., a portion of which is quoted forth below:

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

See also *Ortho Pharmaceutical Corp. v. Smith*, 22 U.S.P.Q.2d 1119 (Fed. Cir. 1992).

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

Date: June 23, 2003

By:



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TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

Sir:

The owner, IGT, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of U.S. Patent No. 5,643,086, U.S. Patent No. 6,106,396, U.S. Patent No. 6,149,522 and any patent that issues from any reissue of any of said patents, and any patent that issues from allowed U.S. Serial No. 09/677,129, the parent of the instant application (hereinafter referred to as the "prior patents"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory terms as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as shortened by any terminal disclaimer, in the event that the prior patents later: expire for failure to pay a

maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory terms as shortened by any terminal disclaimer.

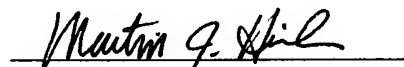
The undersigned is an attorney of record.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

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